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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,886	01/23/2004	Kathleen M. Frigon	MFCP110228	6020
45809 7590 03/13/2009 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613				
EXAMINER				
WIENER, ERIC A				
ART UNIT		PAPER NUMBER		
2179				
MAIL DATE		DELIVERY MODE		
03/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,886

Applicant(s)

FRIGON ET AL.

Examiner

Eric Wiener

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/6/2009 has been entered.
2. Claims 1 – 35 are pending. Claims 1, 15, and 28 are the independent claims. Claims 1, 15, and 28 are the amended claims. Claims 1 – 35 have been rejected by the Examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (US 6,914,625 B1).

As per independent claim 1, Anderson discloses *a computer-implemented method for presenting a set of items to a user, the method comprising:*

- *dividing said set of items into one or more groups according to a selected characteristic* (column 8, lines 33 – 37);
- *automatically generating one or more group titles for at least a portion of said one or more groups, wherein said one or more group titles indicate at least one keyword associated with the items in one of said one or more groups* (column 4, lines 45 – 58; column 6, lines 37 – 56; and column 8, lines 9 – 57);
- *dividing a display screen into at least a first presentation area and a second presentation area, wherein said first presentation area and said second presentation area are visible to the user at the same time* (column 9, lines 16 – 26 and column 11, lines 25 – 32 [claim 1b and 1c] and 57 – 60 [claim 5]), wherein it has been interpreted that the disclosure that a user may “select a category in the image category list to change which images are ***being displayed***” sufficiently corresponds to both the category list and the images being displayed at the same time, because the images are already ***being displayed*** while a user is also able to select from the category list, wherein it further has been interpreted that the display of images sufficiently corresponds to a first presentation area and the image category list sufficiently corresponds to a second display area. In addition, because it is disclosed that the image category list is initially displayed with images from a default category, wherein the displayed images will change upon a user selection from the list, this means that in this particular implementation both the image category list and displayed images are able to always be “visible to the user at the same time.”

- *presenting at least a portion of said set of items in accordance with said groups to the user in said first presentation area (column 9, lines 16 – 26); and*
- *presenting a listing of said one or more group titles in said second presentation area (column 9, lines 16 – 26); and*
- *indicating in said second presentation area which groups contain one or more items currently visible to the user in said first presentation area (column 9, lines 16 – 26), wherein the fact that Anderson discloses an act wherein “the user may instruct the camera to... select **a particular category** name” and that “**once a particular category** is selected, those images indexed in category list under **the selected category** are displayed” has been interpreted to sufficiently correspond to an act of “*indicating in [a] second presentation area which groups contain one or more items currently visible.*”*

As per claim 2, and taking into account the rejection of claim 1, Anderson further discloses that *one or more of the presented items are digital images* (column 1, lines 17 – 21).

As per claim 3 and taking into account the rejection of claim 2, Anderson further discloses that *at least one of the digital images is a digital photograph* (column 1, lines 17 – 21).

As per claim 4, and taking into account the rejection of claim 1, Anderson further discloses that *said selected characteristic is a creation time or other associated date and/or time within a desired interval of time* (column 5, lines 1 – 18 and column 8, line 58 – column 9, line 3).

As per claim 5, and taking into account the rejection of claim 1, Anderson further discloses that *said selected characteristic is storage in a desired folder* (column 5, lines 1 – 18 and column 8, lines 38 – 41).

As per claim 6, and taking into account the rejection of claim 1, Anderson further discloses that *said selected characteristic is associated with one or more desired keywords* (column 5, lines 1 – 18 and column 6, lines 37 – 56).

As per claim 7, and taking into account the rejection of claim 1, Anderson further discloses that *the listing of said groups includes information associated with the contents of the groups* (column 5, lines 35 – 46).

As per claim 8, and taking into account the rejection of claim 7, Anderson further discloses that *said information includes date and/or time information* (column 8, line 58 – column 9, line 3).

As per claim 9, and taking into account the rejection of claim 7, Anderson further discloses that *said information includes storage location information* (column 8, lines 38 – 41).

As per claim 10, and taking into account the rejection of claim 7, Anderson further discloses that *said information includes associated keyword information* (column 6, lines 37 – 56).

As per claim 11, and taking into account the rejection of claims 1, Anderson further discloses that *the listings of said groups includes information associated with said selected characteristic* (column 8, lines 33 – 37).

As per claim 12, and taking into account the rejection of claim 1, Anderson further discloses that *indicating which of said groups contain one or more items currently visible to the*

user includes presenting a visual indicator element with the listing of said groups (column 9, lines 16 – 26).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. *This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

7. Claims 13 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,914,625 B1) in view of Li et al. (US 5,802,383).

As per independent claim 15, Anderson discloses *one or more computer-readable storage media storing a graphical user interface, said graphical user interface comprising:*

- *an item presentation area which displays at least a portion of a set of items to a user (column 9, lines 16 – 26), wherein said set of items is presented in one or more groups according to a selected characteristic (column 8, lines 33 – 37); and*
- *a table of contents area which displays a listing of said groups and which further displays an indicator showing which of said groups contain one or more items currently visible in said item presentation area (column 9, lines 16 – 26);*
- *wherein said item presentation area and said table of contents area are visible to the user at the same time on a display screen (column 9, lines 16 – 26 and column 11, lines 25 – 32 [claim 1b and 1c] and 57 – 60 [claim 5]), wherein it has been interpreted that the disclosure that a user may “select a category in the image category list to change which images are **being displayed**” sufficiently corresponds to both the category list and the images being displayed at the same time, because the images are already **being displayed** while a user is also able to select from the category list, wherein it further has been interpreted that the display of images sufficiently corresponds to an item presentation area and the image category list sufficiently corresponds to a table of contents area. In addition, because it is disclosed that the image category list is initially displayed with images from a default category, wherein the displayed images will change upon a user selection from the list, this means that in this particular implementation both the image category list and displayed images are able to always be “visible to the user at the same time on a display screen.”*

Anderson does not explicitly disclose that said table of contents area further displays volume information for each of the groups in said listing, wherein said volume information is

presented within the listing.

Nevertheless, in an analogous art, Li discloses *displaying volume information for each group in a listing, wherein said volume information is presented within the listing* (column 2, lines 24 – 31).

Both Anderson and Li pertain to the analogous art of grouping data in computer systems and indicating information pertaining to the groupings, and thus one would look to the other for possibly improving difficulties pertaining to their invention. Li describes one such difficulty, in that there is a need to provide concise status information related to a group of data (Li, column 1, lines 51 – 52). Li also describes that, pertaining to such status information as size of a group, it would be useful to provide a user with a more immediate means for inferring information pertaining to the size or volume of a group, because such information may directly relate to the operations related to the group (Li, column 1, lines 44 – 48), wherein an icon pertaining to a group may serve as a sufficient means for inferring such information pertaining to size or volume (Li, column 2, lines 24 – 31). In addition, Anderson discloses that it is well known to associate icons with groupings pertaining to categories (Anderson, column 1, lines 41 – 49). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, because the use of various volume-indicating icons would serve to indicate relevant volume information in a more immediate manner so that the user may more easily infer and use said relevant volume information in relation to the particular operations related to the groupings that are affected by the groupings' volume or size.

As per independent claim 28, Anderson discloses *a computer system for presenting a plurality of items to a user, the system comprising:*

- *a group title generation component configured to automatically generate one or more group titles for at least a portion of one or more groups of items, wherein said one or more group titles indicate at least one keyword associated with the items in one of said one or more groups* (column 4, lines 45 – 58; column 6, lines 37 – 56; and column 8, lines 9 – 57);
- *an item presentation display which presents at least a portion of a set of items to a user* (column 9, lines 16 – 26), *wherein said set of items is presented in said one or more groups according to a selected characteristic* (column 9, lines 16 – 26); *and*
- *a table of contents which provides a listing of said one or more group titles and which indicates which of said one or more groups contain one or more items currently visible in said item presentation display* (column 9, lines 16 – 26);
- *wherein said item presentation area and said table of contents area are visible to the user at the same time on a display screen* (column 9, lines 16 – 26 and column 11, lines 25 – 32 [claim 1b and 1c] and 57 – 60 [claim 5]), wherein it has been interpreted that the disclosure that a user may “select a category in the image category list to change which images are **being displayed**” sufficiently corresponds to both the category list and the images being displayed at the same time, because the images are already **being displayed** while a user is also able to select from the category list, wherein it further has been interpreted that the display of images sufficiently corresponds to an item presentation area and the image category list sufficiently corresponds to a table of contents area. In addition, because it is disclosed that the image category list is initially displayed with images from a default category, wherein

the displayed images will change upon a user selection from the list, this means that in this particular implementation both the image category list and displayed images are able to always be “visible to the user at the same time on a display screen.”

Anderson does not explicitly disclose that said table of contents further displays volume information within said listing for each of the one or more groups.

Nevertheless, in an analogous art, Li discloses *displaying volume information within a listing for each of one or more groups* (column 2, lines 24 – 31).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, for the same reasons as disclosed in the rejection of claim 15, *supra*.

As per claim 13, Anderson sufficiently discloses the limitations of claim 1.

Anderson does not explicitly disclose indicating volume information related to the number of items in at least one of said groups.

Nevertheless, in an analogous art, Li discloses *indicating volume information related to a number of items in at least one group* (column 2, lines 24 – 31).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, for the same reasons as disclosed in the rejection of claim 15, *supra*.

As per claims 16 and 29, and taking into account the rejection of claims 15 and 28, respectively, Anderson further discloses that *one or more of the presented items are digital images* (column 1, lines 17 – 21).

As per claim 17 and taking into account the rejection of claims 15, Anderson further discloses that *said selected characteristic is a creation time or other associated date and/or time within a desired interval of time* (column 5, lines 1 – 18 and column 8, line 58 – column 9, line 3).

As per claim 18, and taking into account the rejection of claim 15, Anderson further discloses that *said selected characteristic is storage in a desired folder* (column 5, lines 1 – 18 and column 8, lines 38 – 41).

As per claims 20 and 30, and taking into account the rejection of claims 15 and 28, respectively, Anderson further discloses that *the listing of said groups includes information associated with the contents of the groups* (column 5, lines 35 – 46).

As per claims 21 and 31 and taking into account the rejection of claims 15 and 28, respectively, Anderson further discloses that *the listings of said groups includes information associated with said selected characteristic* (column 8, lines 33 – 37).

As per claims 22 and 32 and taking into account the rejection of claims 15 and 28, respectively, Anderson further discloses that *indicating which of said groups contain one or more items currently visible to the user includes presenting a visual indicator element with the listing of said groups* (column 9, lines 16 – 26).

As per claims 24 and 34, and taking into account the rejection of claims 15 and 28, respectively, Li further discloses *displaying volume information related to the number of items in each of said groups* (column 2, lines 24 – 31), wherein it further would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, for the same reasons as disclosed in the rejection of claim 15, *supra*.

As per claims 14, 25, and 35 and taking into account the rejection of claims 13, 24, and 34, respectively, Li further discloses that *indicating volume information includes presenting one or more volume meters with the listing of said groups* (column 2, lines 24 – 31), wherein, based on the plain meaning of “meter,” it has been interpreted that the means for indicating volume of Li reads on this feature, because said means sufficiently serves as a means for indicating measurement of volume. In addition, it further would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, for the same reasons as disclosed in the rejection of claim 15, *supra*.

As per claims 23 and 33 and taking into account the rejection of claims 22 and 32, respectively, Anderson further discloses that *said indicator displays the extent to which the groups having currently visible items are presented in the items presentation area* (column 9, lines 16 – 26).

As per claim 26 and taking into account the rejection of claim 15, Anderson further discloses that *said table of contents area is configured to receive a user input selecting a listing associated with a selected group* (column 9, lines 16 – 26).

As per claim 27 and taking into account the rejection of claim 26, Anderson further discloses that *said user input causes at least a portion of the content of said selected group to be displayed in the item presentation area* (column 9, lines 16 – 26).

Response to Arguments

8. Applicant’s arguments filed on 1/6/2009 have been fully considered, but are not persuasive.

9. The Applicant has argued that “to teach the ‘table of contents’ interface, the Office Action relies on the combination of two separate interfaces [and] neither of these interfaces presents both the displayed items and the table of contents ‘at the same time on a display screen’” and that “nowhere does Anderson contemplate dividing its display screen into a table of contents area and an image presentation area.”

In response to this argument, the Examiner respectfully disagrees. Please refer to the new rejection of claim 1, *supra*, and to column 9, lines 16 – 26 and column 11, lines 25 – 32 [claim 1b and 1c] and 57 – 60 [claim 5] of Anderson, wherein it has been interpreted that the disclosure that a user may “select a category in the image category list to change which images are *being displayed*” sufficiently corresponds to both the category list and the images being displayed at the same time, because the images are already *being displayed* while a user is also able to select from the category list, wherein it further has been interpreted that the display of images sufficiently corresponds to a first presentation area and the image category list sufficiently corresponds to a second display area. In addition, because it is disclosed that the image category list is initially displayed with images from a default category, wherein the displayed images will change upon a user selection from the list, this means that in this particular implementation both the image category list and displayed images are able to always be “visible to the user at the same time.”

10. The Applicant has argued that “Li’s interface does not teach that the item presentation area and the table of contents area are visible to a user at the same time on the display screen.”

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

11. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In *re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

12. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

Newly cited art of particular note includes, but is not limited to:

- ***Parulski et al. (US 6,629,104 B1)***
- ***Wolff et al. (US 6,833,848 B1)***
- ***Anderson (US 6,538,698 B1)***
- ***Rubinstein (US 5,721,897)***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/

Examiner, Art Unit 2179

/Ba Huynh/

Primary Examiner, Art Unit 2179